
DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Parts 219 and 225****[FRA-98-4898, Notice No. 2]****RIN 2130-AB30***FRA-98-4898-2***Annual Adjustment of Monetary
Threshold for Reporting Rail
Equipment Accidents/Incidents and
Other Technical Amendment****AGENCY:** Federal Railroad
Administration (FRA), Department of
Transportation (DOT).**ACTION:** Final rule.

SUMMARY: This final rule establishes at **\$6,600** the monetary threshold for reporting railroad accidents/incidents involving railroad property damage that occur during calendar year **2000**. There is no change from the reporting threshold for calendar year **1999**. This action is needed to ensure and maintain comparability between different years of data by having the threshold keep pace with any increases or decreases in **equipment** and labor costs so that each year accidents involving the same minimum amount of railroad property damage are included in the reportable accident counts. The reporting threshold was last reviewed in **1998**. In addition, a typographical error in a threshold provision is corrected.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Background

Each rail equipment accident/incident must be reported to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). 49 CFR 225.19(b), (c). As revised in 1997, paragraphs (c) and (e) of 49 CFR 225.19, provide that the dollar figure that constitutes the reporting threshold for rail equipment accidents/incidents will be adjusted, if necessary, every year in accordance with the procedures outlined in appendix B to part 225, to reflect any cost increases or decreases. 61 FR 30942, 30969 (June 18, 1996); 61 FR 60632, 60634 (Nov. 29, 1996); 61 FR 67477, 67490 (Dec. 23, 1996).

New Reporting Threshold

Approximately one year has passed since the rail equipment accident/incident reporting threshold was last reviewed, and approximately two years since it was revised. 63 FR 71790 (Dec. 30, 1998), 62 FR 63675 (Dec. 2, 1997). Consequently, FRA has recalculated the threshold, as required by § 225.19(c), based on decreased costs for labor and increased costs for equipment. FRA has determined that the current reporting threshold of \$6,600, which applies to rail equipment accidents/incidents that occur during calendar year 1999, should remain the same for rail equipment accidents/incidents that occur during calendar year 2000, effective January 1, 2000.

Accordingly, §§ 225.5 and 225.19 and Appendix B have been amended to state the reporting threshold for calendar year 2000 and the most recent cost figures and the calculations made to determine that threshold. Finally, the alcohol and drug regulations (49 CFR part 219) are also amended to reflect that the reporting threshold for calendar year 2000 is \$6,600.

Correction

In reviewing the reporting threshold, FRA noticed a typographical error in the definition of "rail equipment accident/incident." The italicized words in the present definition, which follows, were introduced by mistake, were not given effect, and do not make sense: therefore, they are being deleted:

Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God, or other events involving the operation of railroad on-track equipment, signals, track, track equipment (standing or

moving] that result in damages greater than the current reporting threshold (i.e. \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 1999) to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material.

49 CFR 225.19(c).

Notice and Comment Procedures

In this rule, FRA recalculates the monetary reporting threshold based on the formula adopted, after notice and comment, in the final rule published June 18, 1996, 61 FR 30959, 30969, and discussed in detail in the final rule published November 29, 1996, 61 FR 30632. FRA finds that both the current cost data inserted into this pre-existing formula and the original cost data that they replace were obtained from reliable Federal government sources. FRA also corrects a typographical error in the definition of "rail equipment accident/incident." FRA finds that this rule imposes no additional burden on any person, but rather provides a benefit by permitting the valid comparison of accident data over time. Accordingly, FRA concludes that notice and comment procedures are impracticable, unnecessary, and contrary to the public interest. As a consequence, FRA is proceeding directly to this final rule.

Regulatory Impact

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing regulatory policies and procedures and is considered to be a nonsignificant regulatory action under DOT policies and procedures (44 FR 11034; February 26, 1979). This final rule also has been reviewed under Executive Order 12866 and is also considered "nonsignificant" under that Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires a review of rules to assess their impact on small entities, unless the Secretary certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule will have no new significant direct or indirect economic impact on small units of government, business, or other organizations. To the extent that this rule has any impact on small units, the impact will be neutral because the rule is maintaining, rather than increasing, their reporting burden.

Paperwork Reduction Act

There are no new information collection requirements associated with this final rule. Therefore, no estimate of a public reporting burden is required.

Environmental Impact

This final rule will not have any identifiable environmental impact.

Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

List of Subjects

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

In consideration of the foregoing, FRA amends Parts 219 and 225, Title 49, Code of Federal Regulations as follows:

PART 219—[AMENDED]

1. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304; and 49 CFR 1.49(m).

2. By amending § 219.5 by revising the first sentence in the definition of *Impact accident* and by revising the definitions of *Reporting threshold* and *Train accident* to read as follows:

§ 219.5 Definitions.

* * * * *

Impact accident means a train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 2000) consisting of a head-on collision, a rear-end collision, a side collision (including a collision at a railroad crossing at grade), a switching collision, or impact with a deliberately-placed obstruction such as a bumping post.

* * * * *

Reporting threshold means the amount specified in § 225.19(e) of this chapter, as adjusted from time to time in accordance with appendix B to part 225 of this chapter. The reporting threshold for calendar years 1991 through 1996 is \$6,300. The reporting threshold for calendar year 1997 is \$6,500. The reporting threshold for calendar years 1998 through 2000 is \$6,600.

Train accident means a passenger, freight, or work train accident described in § 225.19(c) of this chapter (a "rail equipment accident" involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, \$6,600 for calendar years 1998 through 2000), including an accident involving a switching movement.

3. By amending § 219.201 by revising the introductory text of paragraphs(a)(1) and (a)(2), and by revising paragraph (a)(4) to read as follows:

§219.201 Events for which testing is required.

(a) **(1) Major train** accident. Any train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996,

\$6,500 for calendar year 1997, \$6,600 for calendar years 1998 through 2000) that involves one or more of the following:

(2) **Impact accident.** An impact accident (i.e., a rail equipment accident defined as an "impact accident" in § 219.5 of this part that involves damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 2000) resulting in-

(4) Passenger **train** accident. Reportable injury to any person in a train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold, \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 2000) involving a passenger train.

PART 225—[AMENDED]

1. The authority citation for part 225 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20901, 20902, 21302, 21311; 49 U.S.C. 103; 49 CFR 1.49 (c), (g), and (m).

2. In § 225.19, by revising the first sentence of paragraph (c) and by revising paragraph (e) to read as follows:

§225.19 Primary groups of accidents/incidents.

(c) Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God, and other events involving the operation of on-track equipment (standing or moving) that result in damages higher than the current reporting threshold (i.e. \$6,300 for calendar years 1991 through 1996, \$6,500 for calendar year 1997, and \$6,600 for calendar years 1998 through 2000) to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material.

(e) The reporting threshold is \$6,300 for calendar years 1991 through 1996. The reporting threshold is \$6,500 for calendar year 1997 and \$6,600 for calendar years 1998 through 2000. The procedure for determining the reporting threshold for calendar year 1997 and later appears as appendix B to part 225.

3. Part 225 is amended by revising paragraphs 8 and 9 of appendix B to read as follows:

Appendix B to Part 225—Procedure for Determining Reporting Threshold

8. Formula:

$$\text{New Threshold} = \text{prior Threshold} \times \left\{ 1 + 0.5 \frac{(W_n - W_p)}{W_p} + 0.5 \frac{(E_n - E_p)}{\text{loo}} \right\}$$

Where:

Prior Threshold = \$6,600 (for rail equipment accidents/incidents that occur during calendar year 1999)

W_n = New average hourly wage rate (\$) = 17.888333

W_p = Prior average hourly wage rate (\$) = 18.085000

E_n = New equipment average PPI value (\$) = 134.89166

E_p = Prior equipment average PPI value (\$) = 134.49166

9. The result of these calculations is \$6,577.3144. Since the result is rounded to the nearest \$100, the new reporting threshold for rail equipment accidents/incidents that occur during calendar year 2000 is \$6,600, which is the same as for calendar years 1998 through 1999.

Issued in Washington, DC, on November 15, 1999.

Jolene M. Molitoris,
Administrator, Federal Railroad
Administration.

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